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**OF COUNSEL

GEORGE MARCO **

April 21, 2008

VIA ECF

The Honorable Theodore H. Katz
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *Marcus Nispel et. al. v. Warren Pearl*
Case No.: 07 Civ. 6099 (BSJ) (THK)

Dear Judge Katz:

This firm represents plaintiffs Marcus Nispel and Dyan Nispel ("Plaintiffs") in the referenced action against defendant Warren Pearl ("Defendant"). Plaintiffs write to Your Honor to request an extension of the discovery scheduling order dated March 24, 2008 (the "Order").

An extension of time is necessary because the Plaintiffs are unable to appear for depositions in New York until after the May 30, 2008 deadline for completing fact discovery. Marcus Nispel will be in Texas for business until mid-June, and Dyan Nispel will be in California tending to their children until they complete school in early June.

However, both have agreed to appear in New York for depositions beginning June 23, 2008. Defendant does not object to this request or the deposition of Plaintiffs at that time. Accordingly, the Plaintiffs would respectfully request a thirty-day extension of each date set forth in the Order, with the exception of the deadline for filing amended pleadings.

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With regard to the amended pleadings deadline, the Defendant respectfully requests that the deadline for amending pleadings be extended from April 21, 2008 to June 30, 2008, so that he may have an opportunity to amend his pleadings after the Plaintiffs are deposed. Plaintiffs do not have any objection to defendant's request.

A proposed Revised Scheduling Order is annexed below for the Court's consideration. The parties consent to the extended dates set forth in the proposed order. Finally, Plaintiffs have not made any previous requests for an extension of time.

Respectfully submitted,



GEORGE SITARAS

GS/ip.

Encls.

cc. Michael Haskel, Esq.
Attorney for Defendant
(via ECF and facsimile to 516-294-0854)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MARCUS NISPEL and DYAN NISPEL

Plaintiffs,

- against -

WARREN J. PEARL

Defendant.

Case No. 07 Civ. 6099 (BSJ) (THK)

REVISED SCHEDULING ORDER

Upon consent of the parties, it is hereby

ORDERED as follows:

1. The date by which the parties may make amendments to their pleadings or join additional parties without a showing of good cause, is extended from April 21, 2008 to June 30, 2008;
2. The date by which the parties are to complete fact discovery, including depositions of all fact witnesses, is extended from May 30, 2008 to June 30, 2008;
3. The date by which the plaintiffs shall produce their expert reports, if any, to the defendant, is extended from June 16, 2008 to July 16, 2008;
4. The date by which the defendant shall produce his rebuttal expert report, if any, to plaintiffs is extended from July 7, 2008, to August 7, 2008;
5. The date by which the parties shall complete depositions of all expert witnesses is extended from August 1, 2008, to September 1, 2008;
6. The date by which the parties may file dispositive motions is extended from September 1, 2008 to October 1, 2008.

Dated: New York, New York
_____, 2008

Theodore H. Katz
United States Magistrate Judge

CONSENTED TO:

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By: 

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